

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark A. Johnson

Application No.: 10/709,997

Filed: June 11, 2004

Entitled: METHOD AND APPARATUS FOR  
HARVESTING AND IMPLANTING BONE  
PLUGS

Docket No.: 22956-302 (MIT169CON)

Conf. #: 3996

Group Art Unit: 3732

Examiner: Julian W. Woo

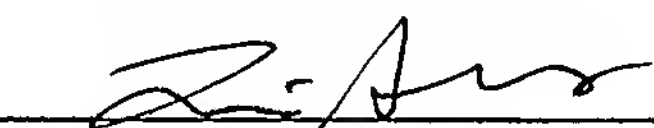
Certificate of Transmission (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being electronically filed via **EFS-Web** with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

February 17, 2010

Date of Signature and Mail Deposit

By:

  
Lisa Adams, Reg. No: 44,238  
Attorney for Applicant(s)

MS Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR  
PRIORITY UNDER 35 U.S.C. §120**

Dear Sir:

Applicants hereby petition for acceptance of an unintentionally delayed claim for priority under 35 USC §120 in the above-identified application. A Supplemental Application Data Sheet and an Amendment are filed concurrently herewith.

The reference required by 35 U.S.C. §120 and 37 CFR 1.78(a)(2) is as follows:

The present application is a continuation of U.S. Patent Appl. No. 10/004,388 (now U.S. Patent No. 6,767,354) filed on October 23, 2001, which is a divisional application of U.S. Patent Appl. No. 09/118,680 (now U.S. Patent No. 6,359,011) filed on Jul. 17, 1998.

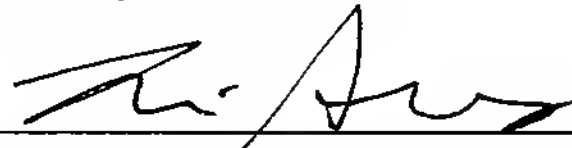
The entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date this paper was filed was unintentional. Applicants did not become aware of the lack of a priority claim to the earlier applications until after receipt of the Notice of Allowance mailed January 15, 2010. A payment in the amount of \$1,410.00 covering the fees set forth in 37 CFR 1.17(t) is submitted herewith. This request is being filed concurrently with a Request for Continued Examination.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 141449, under Order No. 22956-302.

Date: February 17, 2010

Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
Tel: (617)439-2550  
Fax: (617)310-9550

Respectfully submitted,

  
\_\_\_\_\_  
Lisa Adams, Reg. No. 44,238  
Attorney for Applicant(s)

1897055.1